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WWW.SWIPLAW.COM

TELEPHONE (505)468-0555  
FACSIMILE (505) 468-0556  
E-MAIL [kiw@swiplaw.com](mailto:kiw@swiplaw.com)

### FAX COVER SHEET

April 20, 2004

To: Customer Service Fax Number: 703.746.4060  
Organization: OIPE Telephone Number:  
From: Kevin Lynn Wildenstein  
Original        WILL       X       WILL NOT be sent.

Total number of pages (including this fax cover sheet): 27

Comments: Please see the attached letter and referenced documents concerning Application Serial No. 10/644,984.

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## Southwest Intellectual Property Services

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6700 B Jefferson, Suite 8

ALBUQUERQUE, NEW MEXICO 87109

WWW.SWIPPLAW.COM

**Kevin Lynn Wildenstein**  
 Registered Patent Attorney  
 Licensed in Arizona, Colorado and New Mexico

TELEPHONE (505) 468-0555  
 FACSIMILE (866) 468-0556  
 E-MAIL [kw@swipplaw.com](mailto:kw@swipplaw.com)

April 20, 2004

U.S. Patent Office  
 ATTN: OIPE Customer Service  
 Alexandria, VA 22313-1450

Via Facsimile Transmission  
 703.746.4060

**Re:** *Response to 10/20/03 Notice of Missing Parts*  
**Applicant:** *SMOOT, Sue*  
**Title:** *"METHOD, SYSTEM AND DEVICE FOR BLOCKING SUNLIGHT"*  
**Application No.** *10/644,984*  
**Provisional Filing Date:** *11/23/02*  
**Utility Appl. Filing Date:** *8/20/03*

Dear Patent Office:

I contacted the OIPE office this morning (and several other PTO offices) to determine the status of the above identified application. This application, originally filed as a provisional application on Nov. 25, 2002, and filed as a corresponding utility application with a different title on August 20, 2003, also contained a Petition to Make Special. I was told by Mr. Williams in the OIPE that the Office is still awaiting a response to the Notice of Missing Parts (mailed 11/20/03).

On Nov. 17, 2003 and on December 3, the Applicant filed two responses (both attached, including copies of the express mail receipt as well as return receipt postcard stamped by the OIPE). The first response was filed in complete response to the 11/20/03 Office Action. A second response was filed on December 3, 2003 because the Applicant found out that the Office had inadvertently placed the utility application funds into a separate, new provisional application number which was never applied to the utility application. As such, the Applicant's attorney spoke to Eleanor Kurtz of the Patent Office of Finance, who transferred \$25.00 to the utility application. This left a balance of \$40.00 to respond to the notice of missing parts. Applicant submitted by fax the additional \$40.00 through the Office's Credit Card Payment form on December 3, 2003. Ms. Kurtz suggested filing a second response to the 11/20/03 Office Action to record what transpired.

Applicant believes that all documents responsive to the 11/20/03 Office Action have been filed since December 3, 2003. Applicant desires the Office to take special notice to the pending Petition to Make Special and have this application examined as soon as possible.

The undersigned attorney of record would appreciate a phone call from the OIPE division to prevent any further confusion surrounding this application.

April 20, 2004  
Page 2

Sincerely,

**Southwest Intellectual Property Services, LLC**

By: Kevin Lynn Wildenstein  
Kevin Lynn Wildenstein  
USPTO Reg. No. 39,072

Attachments as stated.

Cc: S. Smoot (w/out attachments)

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this Correspondence dated April 20, 2004 (along with 27 pages of attachments) is being deposited with the United States Postal Service by facsimile transmission to: U.S. Patent Office, ATTN: OIPE Customer Service, Alexandria, VA 22313-1450, on:

Date: April 20, 2004 By: Kevin Lynn Wildenstein

Utility Patent Application Serial No. 10/644,984 (filing date 11/25/03)  
Title of Invention: METHOD, SYSTEM AND DEVICE FOR BLOCKING  
SUNLIGHT

Please acknowledge receipt of the following documents:

- 1) Response to 10/20/03 Notice to File Missing Parts (and attached exhibits)
- 2) Check No. 521 for \$25.00 payable to the Comm. of Patents to cover the surcharge for a late oath; and
- 3) This postcard, which we ask you to stamp and return



1st

RESPONSE



Red Geyser National Park, NM

Kevin Wildenstein  
SWIP Svcs, LLC  
6700-B Jefferson, Suite 8  
Albuquerque, New Mexico 87109

24

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2004 APR 20 2004 10:58AM SOUTHWEST INTELLECTUAL PR 505-468-0556

P.6

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s):

Docket No.

SMOOT001

Serial No.  
10/644,984

Filing Date  
Nov. 25, 2002

Examiner  
TBD

Group Art Unit  
TBD

Invention: **METHOD, SYSTEM AND DEVICE FOR BLOCKING SUNLIGHT**

I hereby certify that the following correspondence:

Response to 10/20/03 Notice of Missing Parts (and attached Exhibits)

*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Nov. 17, 2003

*(Date)*

**Kevin Lynn Wildenstein**

*(Typed or Printed Name of Person Mailing Correspondence)*

*Kevin Lynn Wildenstein*  
*(Signature of Person Mailing Correspondence)*

**ER 443020652**

*("Express Mail" Mailing Label Number)*

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PO5ARFV02



November 17, 2003  
Page 2

- An original Verified Statement Claiming Small Entity Status executed by the Applicant (Exhibit F); and
- A check for \$25.00 to cover the surcharge for a late oath.

According to a phone conference I had with the Initial Examining Division today, it appears that the Office deposited the check for \$375.00 for the Utility Application filing fee for the benefit of Application Serial No. 10/644,984 (I was told that there are no other documents filed which are associated with this serial number. I was also told that the "Confirmation Number" for this check was assigned Confirmation Number 7498). As such, the 10/20/03 Notice to File Missing Parts, requesting a check for a provisional application filing fee, is incorrect.

As such, please change your records to show that a completed Utility Application (assigned Application Serial No. 10/644,984) was properly filed with the required filing fee on August 20, 2003, claiming a priority filing date of November 25, 2002 from Provisional Patent Application Serial No. 60/428,988. Also, please proceed to process the Petition to Make Special based upon the Applicant's age. Additionally, please change your records to reflect an Attorney Docket Number of "SMOOT001".

Should you have any questions, please call the undersigned attorney.

Sincerely,

Southwest Intellectual Property Services, LLC

By: Kevin Lynn Wildenstein  
Kevin Lynn Wildenstein

Attachments as stated.

Cc: S. Smoot (w/out attachments)



A



Apr 20 2004 11:06AM SOUTHWEST INTELLECTUAL PR 505-468-0556

p. 10



Commissioner for Patents  
Washington, DC 20591  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP/ART/UNIT	FIL FEE REC'D	ATTY/DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
60/428,988	11/28/2002	80	9419-006	7			

34534  
KEVIN LYNN WILDENSTEIN  
SUTIN, THAYER & BROWNE, P.C.  
P.O. BOX 1945  
ALBUQUERQUE, NM 87103

CONFIRMATION NO. 4058  
FILING RECEIPT



\*OC000000009284763\*

Date Mailed. 12/24/2002

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9196. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Sue Smoot, Albuquerque, NM;

If Required, Foreign Filing License Granted: 12/28/2002

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

Sur. shield apparatus

LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15

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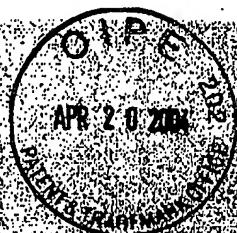
The applicant has been granted a license under 35 U.S.C. 184. If the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related application(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time. If the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



B



APR 20 2004 11:10AM SOUTHWEST INTELLECTUAL PR 505-468-0556

p. 13



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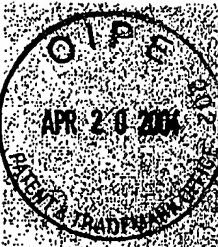
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KLW  
11/17/03



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1020-001-9			



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03945 U.S. PTO  
10/54498403945 U.S. PTO  
10/544984

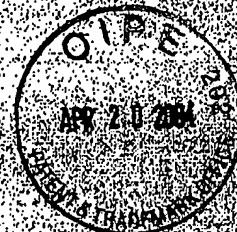
New Utility Patent Application  
Title of Invention: METHOD, SYSTEM, AND DEVICE  
FOR BLOCKING SUNLIGHT  
Filing Date: Aug. 20, 2003

Please acknowledge receipt of the following documents:

- 1) Utility Patent Application Transmittal;
- 2) Petition to Make Special;
- 3) Certificate of Express Mailing (2)
- 4) Check No. 104 for \$375.00 to cover the filing fee; and
- 5) This postcard, which we ask you stamp and return.



Kevin Wildenstein  
SWIP Svcs, LLC  
6700-B Jefferson, Suite 8  
Albuquerque, New Mexico 87109



D



Apr 20 2004 11:18AM SOUTHWEST INTELLECTUAL PR 505-468-0556

P. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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ALEXANDRIA, VIRGINIA 22311-1450  
www.uspto.gov

APPL NO.	FILING OR 371 (C) DATE	ART UNIT	FEE REC'D	ATTY/DOCKET NO.	DRAWINGS	TOT CLMS	IND CLMS
60/496,690	08/20/2003		0.00	9418-006		8	

34534  
KEVIN LYNN WILDENSTEIN  
6700 B JEFFERESON NE  
SUITE 8  
ALBUQUERQUE, NM 87109

CONFIRMATION NO. 6610  
FILING RECEIPT  
  
"OC000000011061028"

Date Mailed: 10/20/2003

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Sue Smoot, Albuquerque, NM

If Required, Foreign Filing License Granted: 10/16/2003

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

Sun shield apparatus

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

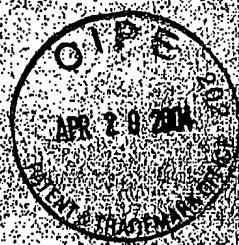
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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related application(s) filed under 37 CFR 1.53(d). This license is not retroactive.

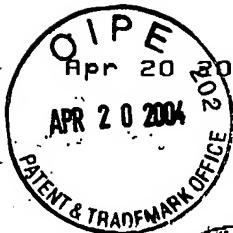
The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations, especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time. If the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form, Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



E



Apr 20 2004 11:22AM SOUTHWEST INTELLECTUAL PR 505-468-0556

p. 21

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 37 CFR 1.8 DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
60/496,690	08/20/2003	Sue Shoot	9419-006

34534  
KEVIN LYNN WILDENSTEIN  
6700 B JEFFERSON NE  
SUITE 8  
ALBUQUERQUE, NM 87109

CONFIRMATION NO. 6610  
FORMALITIES LETTER  
  
\*OC000000011001029\*

Date Mailed: 10/20/2003

NOTICE TO FILE MISSING PARTS OF PROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(c)

*Filing Date Granted*

An application number and filing date have been accorded to this provisional application. The items indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 80 to complete the basic filing fee for a small entity.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$25 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$105 for a Small Entity

- \$80 Statutory basic filing fee.
- \$25 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice MUST be returned with the reply.*

Page 2 of 2

K. Barbara Sylver  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



F

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(i) AND 1.27 (b)) - INDEPENDENT INVENTOR**Docket No.  
SMOOT001

Serial No.	Filing Date	Patent No.	Issue Date
TBD	August 20, 2003		

Applicant/ **SMOOT, Sue**  
Patentee:Invention: **METHOD, SYSTEM AND DEVICE FOR BLOCKING SUNLIGHT**

As a below-named Inventor, I hereby declare that I qualify as an Independent Inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the Invention entitled above and described in:

- the specification to be filed herewith.
- the application identified above.
- the patent identified above.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the Invention to any person who could not be classified as an Independent Inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the Invention is listed below:

- No such person, concern or organization exists.
- Each such person, concern or organization is listed below.

**\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the Invention averring to their status as small entities (37 CFR 1.27)**

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

Individual  Small Business Concern  Nonprofit Organization

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

Individual  Small Business Concern  Nonprofit Organization

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

Individual  Small Business Concern  Nonprofit Organization

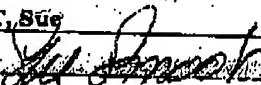
FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

Individual  Small Business Concern  Nonprofit Organization

Page 2 of 2

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 101 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INVENTOR SMOOT, BRIANSIGNATURE OF INVENTOR DATE: November 7, 2003

NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE: \_\_\_\_\_

NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE: \_\_\_\_\_

NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

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DATE: \_\_\_\_\_

NAME OF INVENTOR \_\_\_\_\_

SIGNATURE OF INVENTOR \_\_\_\_\_

DATE: \_\_\_\_\_



*2ND*  
*RESPONSE*

**CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. 1.8**

I hereby certify that this Request for Correction of Filing Receipt Data is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, Mail Stop Missing Parts, Alexandria, VA 22313-1450, on:

Date: December 3, 2003 By: Eleanor Kurtz, Esq.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	SMOOT, Sue	Docket Ref.:	SMOOT001
Serial No.:	10/644,984		
Filing Date:	November 25, 2003	Group Art Unit:	
Title:	METHOD, SYSTEM AND DEVICE FOR BLOCKING SUNLIGHT	Examiner:	

Commissioner of Patents  
Mail Stop Missing Parts  
Alexandria, Virginia 22313-1450

Dear Sir/Madam:

**RESPONSE TO 11/20/03 NOTICE TO FILE MISSING PARTS**

Responsive to the Official Action dated 11/20/03, Applicant presents the following in complete response pursuant to 37 C.F.R. § 1.111. In the 11/20/03 Office Action, the Office notified the Applicant that a \$65.00 late oath fee was required.

On December 3, 2003, the Applicant's attorney spoke with Ms. Eleanor Kurtz of the Office of Finance. Ms. Kurtz placed a \$25.00 credit towards Application Serial No. 10/644,984. On this same date, the Applicant submitted by fax transmission a Credit Card Payment Form for payment of the remaining \$40.00 balance (thus leaving a balance total of \$65.00). A copy of this Form (with sensitive data redacted) and the transmission completion report are attached to this Response.

As such, the Applicant has responded to the Notice to File Missing Parts in the time specified by the Office.

Respectfully submitted,

Date: December 3, 2003

By: Kevin Lynn Wildenstein

Kevin Lynn Wildenstein  
Reg. No. 39,072

**Southwest Intellectual Property Svcs., LLC**  
6700-B Jefferson NE, Suite 8  
Albuquerque, New Mexico 87109  
(505) 468-0555  
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